

RICHARD DOYLE, City Attorney (#88625)  
NORA FRIMANN, Assistant City Attorney (#93249)  
CLIFFORD GREENBERG, Sr. Deputy City Attorney (#122612)  
STEVEN B. DIPPELL, Sr. Deputy City Attorney (#121217)  
Office of the City Attorney  
200 East Santa Clara Street, 16<sup>th</sup> Floor  
San José, California 95113-1905  
Telephone Number: (408) 535-1900  
Facsimile Number: (408) 998-3131  
E-Mail Address: cao.main@sanjoseca.gov

Attorneys for Defendants, CITY OF SAN JOSE,  
OFFICER JEFFREY and OFFICER BLACKERBY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VINH HUU PHAM AND LAN THI DO,  
Plaintiffs,

v.

CITY OF SAN JOSE, a municipality of the  
State of California, OFFICER BRIAN  
JEFFREY, #3926, individually and in his  
official capacity as a police officer,  
OFFICER MATTHEW BLACKERBY,  
#3999, individually and in his official  
capacity as a police officer, and DOES 1-  
100, inclusive,

Defendants.

Case Number: CV11-01526 EJD

**STIPLUATION AND [PROPOSED]  
ORDER MODIFYING DEADLINE TO  
HOLD EARLY NEUTRAL  
EVALUATION**

**Trial Date: None Set**

Plaintiffs and Defendants in the above entitled matter hereby stipulate and jointly  
request that the Court extend the original January 11, 2012 deadline to hold an Early  
Neutral Evaluation to January 20, 2012. In support of this stipulation, the parties hereby  
submit the following as good cause for granting this request:

1. The depositions of all the parties have yet to be completed.

2. Jonathan D. Schmidt, the Neutral in the above matter, has been informed and has no objection to extending the deadline to hold the Early Neutral Evaluation as stipulated herein.

3. Due to various conflicts, the parties are unable to hold the Early Neutral Evaluation until January 20, 2012, which has been scheduled with the Neutral.

4. Given the fact that the postponement of the Early Neutral Evaluation would not delay the deadlines in this matter set by the Court and for the reasons set forth herein, the parties submit that good cause exists for the extension of the ADR deadline.

Accordingly, the parties hereby jointly request that the Court extend the deadline to complete the Early Neutral Evaluation to January 20, 2012.

Respectfully submitted,

Dated: December 8, 2011

RICHARD DOYLE, City Attorney

By: /s/ Clifford Greenberg  
CLIFFORD GREENBERG  
Sr. Deputy City Attorney

Attorneys for Defendants, CITY OF SAN  
JOSE, OFFICER BRIAN JEFFREY and  
MATTHEW BLACKERBY

LAW OFFICES OF STUART D. KIRCHICK

Dated: December 8, 2011

By: /s/ Stuart D. Kirchick  
STUART D. KIRCHICK.

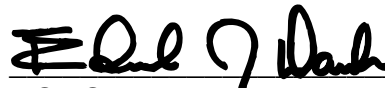
Attorneys for Plaintiffs, VINH HUU PHAM  
and LAN THI DO

**ORDER**

Based upon the Stipulation of the parties, and good cause appearing therefore, the Court hereby extends the deadline to hold an Early Neutral Evaluation in this case to January 20, 2012.

**IT IS SO ORDERED.**

Dated: December 9, 2011



HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

CASE NAME: *Pham, et al. v. City of San Jose, et al.*

CASE NO.: CV11-01526 EJD

I, the undersigned declare as follows:

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred.

On December 8, 2011, I caused to be served the within:

**STIPULATION AND [PROPOSED] ORDER MODIFYING  
DEADLINE TO HOLD EARLY NEUTRAL EVALUATION**

Addressed as follows:

Paul F. Caputo, Esq.  
Hawkins – Caputo  
96 N. First St., Ste. 300  
San Jose, CA 95112  
Phone: (408) 280-7111  
Fax: (408) 292-7868  
E-Mail: [paul@caputolaw.com](mailto:paul@caputolaw.com)

Teresa Thu-Huong Nguyen, Esq.  
The Law Firm of Nguyen Teresa Thu-Huong  
730 Story Rd., Ste. 4  
San Jose, CA 95122  
Phone: (408) 275-1626  
Fax: (408) 275-6949  
E-Mail: [teresa\\_hung2003@yahoo.com](mailto:teresa_hung2003@yahoo.com)

Stuart D. Kirchick, Esq.  
Law Offices of Stuart D. Kirchick  
1143 Story Rd., Ste. 210  
San Jose, CA 95122  
Phone: (408) 291-0123  
Fax: (408) 291-0418  
E-Mail: [sdkirchick@aol.com](mailto:sdkirchick@aol.com)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 8, 2011, at San Jose, California.

/s/ Alice Shore  
Alice Shore